

REMARKS

In response to the Office Action mailed on April 16, 2008, Applicant(s) respectfully request(s) reconsideration. Claims 1, 2, 4-6, 8-12, 16, 17, 19-21, 23-27, 31, 33 and 35 are now pending in this Application. Claims 1, 16, 31 and 33 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 1, 4, 16, 19, 31, 33 and 35 have been amended and claims 3, 13-15, 18, 28-30, 32 and 34 have been cancelled. It is noted that limitations from previously presented claim 35 are now recited in amended independent claims 1, 16, 31 and 33 and that the dependent claims of each independent claim recite similar subject matter. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Rejection of Originally Submitted Claims under 35 U.S.C. §112

Claims 1, 16, 31 and 33 have been rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants' regard as the invention. In light of the amendments made to claims 1, 16, 31 and 33, withdrawal of the rejection is respectfully requested.

2. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 1-2, 8-9, 12-17, 23-24 and 27-35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliveria, U.S. Patent Pub. No. 2004/0186904 A1, in view of Sayan et al., U.S. Patent Pub. No. 2002/0169820 A1 (hereinafter Sayan). In the rejection, Examiner concedes that Oliviera and Sayan fail to teach **providing an agent wait threshold entry in the agent wait table, the agent wait threshold entry providing an indication of a wait threshold time specific to the agent**, as recited in amended independent claims 1, 16, 31 and 33. Further, by virtue of their dependency on the independent claims, the rejected dependent claims are patentably distinct as

well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

3. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 3-6, 18-21 and 35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliveria and Sayan in view of Brenner et al., U.S. Patent No. 6,658,449 (hereinafter Brenner). In the rejection, Examiner concedes that Oliveria and Sayan fail to teach **providing an agent wait threshold entry in the agent wait table, the agent wait threshold entry providing an indication of a wait threshold time specific to the agent**, as recited in amended independent claims 1, 16, 31 and 33. To make up for the deficiencies of the cited references, Examiner cites Brenner as providing motivation for **providing an indication of a wait threshold time specific to the agent**.

In particular, Brenner scans a queue to find threads pending for greater than a threshold time amount, for example, greater than 1.5 seconds. (See Col. 8, Lines 14-16). Hence, Brenner does not scan the queue to find a thread that has been pending to the extent that it has elapsed its own specific "thread wait threshold" time. Instead, Brenner is comparing all pending threads in the queue to a global wait threshold. Examiner concedes that Brenner does not disclose a **specific wait threshold time** for each thread.

Moreover, there is no motivation in Brenner to use **wait thresholds that are specific** to each pending thread in a queue. In a single operation, Brenner locates an unbound thread that has not been dispatched within a threshold amount of time by scanning threads in each local run queue that have time stamps indicating that they have been pending longer than the threshold amount of time. (See Col. 8, Lines 35-43) Here, Brenner's use of a global wait threshold clearly fails to provide a motivation for giving threads their own **specific wait threshold time**. If each thread has its own **specific wait threshold time**, then

determining which unbound thread has been pending the longest would be more complicated because Brenner would have to execute multiple operations in order to each pending thread's actual queued time with that thread's **specific wait threshold time**. Hence, Examiner's proposed modification of Brenner would make Brenner more inefficient, thereby rendering Brenner unsatisfactory for its intended purpose. (See M.P.E.P. §2143.01)

For the reasons stated above, Applicant submits that amended independent claims 1, 16, 31 and 33 are patentably distinct and advantageous over the cited references— either individually or in combination. In addition, by virtue of their dependency on the independent claims, rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

4. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 10-11 and 25-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliveria and Sayan in view of Hejna, Jr. et al., U.S. Patent No. 5,287,508 (hereinafter Hejna). In the rejection, Examiner concedes that Oliveria and Sayan do not teach aspects now recited in amended independent claims 1, 16, 31 and 33. In addition, Examiner does not rely on Hejna to make up for the deficiencies of the cited references.

For the reasons stated above, Applicant submits that amended independent claims 1, 16, 31 and 33 are patentably distinct and advantageous over the cited references – either individually or in combination. In addition, by virtue of their dependency on the independent claims, rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

5. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 13-15, 28-20, 32 and 34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliveria in view of Applicants Admitted Prior Art (hereinafter AAPA). In the rejection, Examiner concedes that Oliveria does not teach aspects now recited in amended independent claims 1, 16, 31 and 33. In addition, Examiner does not rely on AAPA to make up for the deficiencies of the cited reference.

For the reasons stated above, Applicant submits that amended independent claims 1, 16, 31 and 33 are patentably distinct and advantageous over the cited references – either individually or in combination. In addition, by virtue of their dependency on the independent claims, rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

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In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/RVF/

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